

Hearing Date & Time: July 8, 2020 at 10:00 a.m.
Objection Deadline: June 23, 2020

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re ORLY GINGER,
Debtor.

Chapter 7

Case No. 19-13895 (JLG)

**NOTICE OF MOTION FOR ORDER CONFIRMING THAT THE
AUTOMATIC STAY DOES NOT APPLY TO
CERTAIN NON-BANKRUPTCY LITIGATIONS**

PLEASE TAKE NOTICE that on July 8, 2020 at 10:00 a.m., The Orly Genger 1993 Trust, by its trustee Michael Oldner, Recovery Effort, Inc., and Manhattan Safety Maine, Inc. (together, “Movants”), by and through the undersigned counsel, will move (the “Motion”) before the Honorable Judge James L. Garrity Jr., United States Bankruptcy Judge, in the United States Bankruptcy Court for the Southern District of New York, Courtroom 601, One Bowling Green, New York, New York 10004 or as soon thereafter as counsel can be heard, for entry of an order (a) pursuant to sections 105(a) and 362(j) of chapter 11 of title 11 of the United States Code, §§ 101-1532 et seq. (the “Bankruptcy Code”) confirming that the automatic stay of 11 U.S.C. § 362(a) does not apply to the following pre-petition actions involving all non-debtor parties pending before the United States District Court for the Southern District of New York: (i) *Recovery Effort Inc. v. Zeichner Ellman & Krause LLP and Wachtel Missry*, 19-cv-05641-VSB; and (ii) *Manhattan Safety Maine, Inc. and Recovery Effort, Inc. v. Michael Bowen, Arie Genger, Arnold Broser, David Broser, Genger Litigation Trust, ADBG LLC and Tedco, Inc.*, 19-cv-05642-MKV-DCF; and (b) granting related relief.

PLEASE TAKE FURTHER NOTICE that a copy of the Motion is available for inspection during normal business hours at the office of the Clerk of the United States

Bankruptcy Court for the Southern District of New York located at One Bowling Green, New York, New York 10004, or may be obtained by contacting the undersigned counsel.

PLEASE TAKE FURTHER NOTICE that responses and objections, if any, to the Motion and the proposed order must be made in writing, conformed to the Bankruptcy Rules and the Local Bankruptcy Rules for the Bankruptcy Court and be filed with the Bankruptcy Court electronically in accordance with General Order M-399 (a copy of which can be found at www.nysb.uscourts.gov, the official website for the United States Bankruptcy Court for the Southern District of New York), by registered users of the Bankruptcy Court's case filing system and, by all other parties in interest, in Portable Document Format (PDF), Microsoft Word, or any other word processing format (with a hard copy delivered directly to Chambers) and shall be served upon: (i) counsel to Movants, Pollock Cohen LLP, 60 Broad Street, 24th Floor, New York, New York 10004; (ii) Deborah J. Piazza, Chapter 7 Trustee, Attn: Rocco A. Cavaliere, Esq., Tarter Krinsky & Drogin LLP, 1350 Broadway, 11th Floor, New York, New York 10018; and (iii) all parties who have filed a notice of appearance and request for service of documents, so as to be actually received by no later than June 23, 2020 (the "Objection Deadline").

Dated: June 8, 2020
New York, NY

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